

1991 14

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

IN THE MATTER OF:)	Docket No. V-W-'91-C-115
)	
WAUKEGAN TAR PIT SITE)	ADMINISTRATIVE ORDER
)	PURSUANT TO SECTION 106
)	OF THE COMPREHENSIVE
)	ENVIRONMENTAL RESPONSE,
Respondents:)	COMPENSATION, AND
)	LIABILITY ACT OF 1980
NORTH SHORE GAS COMPANY)	as amended, 42 U.S.C.
ELGIN, JOLIET & EASTERN RAILWAY CO)	Section 9606(a)
NORTH SHORE SANITARY DISTRICT)	

PREAMBLE

This Administrative Order (Order) is issued on this date to Respondents, North Shore Gas Company; Elgin, Joliet & Eastern Railway Company; and North Shore Sanitary District.

It is issued pursuant to the authority vested in the President of the United States by Section 106(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. Section 9606(a), as amended by the Superfund Amendments and Reauthorization Act of 1986 Pub. L. 99-499 (CERCLA), and delegated to the Administrator of the United States Environmental Protection Agency (U.S. EPA) by Executive Order No. 12580, January 23, 1987, 52 Federal Register 2923, and further delegated to the Assistant Administrator for Solid Waste and Emergency Response and the Regional Administrators by U.S. EPA Delegation Nos. 14-14-A and 14-14-B, and to the Director, Waste Management Division, Region V, by Regional Delegation 14-14-A and 14-14-B.

By copy of this Order the State of Illinois has been notified of the issuance of this Order as required by Section 106(a) of CERCLA, 42 U.S.C. Section 9606(a).

This Order requires the Respondents to undertake and complete emergency removal activities to abate an imminent and substantial endangerment to the public health and welfare or the environment that may be presented by the actual or threatened release of hazardous substances at the site.

FINDINGS

Based on available information, including the Administrative Record in this matter, U.S. EPA hereby finds:

1. The Waukegan Tar Pit Site (Site) is located in the northeast quadrant of a vacant lot bounded on the north by Dahringer Road, on the west by Pershing Road, on the east by the Elgin, Joliet & Eastern Railway Company (EJ&E) line, and on the south by a parcel of land owned by the City of Waukegan. The Site is situated in an industrial area and is now bounded on all sides by a fence.
2. Currently, a portion of the Site is owned by the North Shore Sanitary District (NSSD) and a portion is owned by EJ&E. Previously, the property was divided into two parcels, the eastern parcel was owned by EJ&E and the western parcel was owned by North Shore Gas Company (NSG). NSG operated a coal gasification plant on the western portion of the Site. The plant has since been demolished.
3. In July of 1988, the local fire department and the Illinois Environmental Protection Agency (IEPA) responded to a fire on a pit located in the northeastern portion of the property described above. Samples of the tar collected by the IEPA indicated the presence of volatile organic compounds with a flash point of 60 degrees Fahrenheit. Based on the Illinois Emergency Services Disaster Agency (ESDA) report dated July 13, 1988 the IEPA determined that, at that time, there were no public safety concerns at the tar pit.
4. In 1990, the U.S. EPA received reports from private citizens that migrating waterfowl and other wildlife were becoming trapped and dying in the tar. The U.S. Fish and Wildlife Service was also investigating these reports.
5. A site assessment was performed by the U.S. EPA and Technical Assistance Team (TAT) in September 1990. A pond approximately 125 feet long by 60 feet wide was observed in the northeastern portion of the site. The pond consisted of 4 to 6 inches of water overlying a pit of tar of unknown depth. The U.S. EPA and TAT observed stressed vegetation and tar oozing to the soil surface beyond the visible boundaries of the pond. Samples collected from the tar and water indicate the presence of high levels of volatile organic compounds including benzene. A tar sample collected north of the pond had a flash point of 72 degrees Fahrenheit.

6. The potentially responsible parties (PRPs); NSSD, NSG, and EJ&E, were given verbal notification on September 19, 1990 by the U.S. EPA to restrict access to the Site including the tar pit by humans and wildlife and took prompt action on September 20, 1990 to install a fence to enclose the property and string flags across the pond to deter migrating blue heron and other waterfowl from landing. The fence was completed on September 28, 1990.
7. On March 11, 1991 an Administrative Order by Consent was issued to the potentially responsible parties (PRPs). The Order required the Respondents to conduct an extent of contamination study to define the vertical and lateral extent of hazardous substances in the tar pit.
8. Pursuant to the Administrative Order by Consent issued on March 11, 1991, the PRPs submitted an extent of contamination study. The PRPs found that the flowable tar in the tar pit has a flash point of greater than 200 degrees Fahrenheit. Total Polynuclear Aromatic Hydrocarbons (PAHs) are 120,000 milligrams per kilogram (mg/kg). The highest single component, naphthalene was found as 32,000 mg/kg. Volatile Organic Compounds (VOCs) including benzene (79 mg/kg), ethyl benzene (65 mg/kg), toluene (130 mg/kg) and xylene (130 mg/kg) were found. In one of two composite soil samples, the TCLP for benzene was at 14.0 milligrams per liter (mg/l). The volume of the tar was estimated to be approximately 1,300 cubic yards, the specific gravity was estimated at 1.185 and the estimated weight was 2.6 million pounds.

DETERMINATIONS

Based on the foregoing Findings, U.S. EPA has determined that:

1. Waukegan Tar Pit is a "facility" as defined by Section 101(9) of CERCLA, 42 U.S.C. Section 9601(9).
2. Each Respondent is a "person" as defined by Section 101(21) of CERCLA, 42 U.S.C. Section 9601(21).
3. Each Respondent arranged for disposal or transport for disposal of hazardous substances at the Waukegan Tar Pit Site, or is a past or present owner or operator of the facility. Each Respondent is therefore a liable person under Section 107(a) of CERCLA, 42 U.S.C. Section 9607(a).
4. Volatile organic compounds, including benzene, are "hazardous substances" as defined by Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14).

5. For the purpose of removal activities in number 5 of the Order section in this Order, tar is defined as the analytical detection of total polyaromatic hydrocarbons (PAHs), carcinogenic PAHs categorized as A, B1, B2, volatile organic compounds (VOCs) to include the following: VOCs detected in tar samples to date and additional VOCs detected in future tar sampling; benzene, ethylbenzene, toluene, xylenes (total), methylene chloride, acetone, 2-Butanone and styrene attributable to the pit, and is a "hazardous substance" as defined by Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14). For the purpose of removal activity 4 in this Order, tar will be defined as visible free tar. Visible free tar is defined as tar which is free of soil including soft and hard tar.

6. Low flash substances on the site, the presence of hazardous substances including benzene, and the actual or threatened release to drinking water constitutes an actual or threatened "release" as that term is defined in Section 101(22) of CERCLA, 42 U.S.C. Section 9601(22).

7. The actual or threatened release of hazardous substances from the Facility may present an imminent and substantial endangerment to the public health, welfare, or the environment.

8. The actions required by this Order, if properly performed, are consistent with the National Contingency Plan (NCP), 40 CFR Part 300, as amended, and CERCLA, and are reasonable and necessary to protect the public health, welfare and the environment.

9. The conditions present at the Facility constitute a threat to public health or welfare or the environment based upon consideration of the factors set forth in the NCP, Section 300.415(b)(2). These factors include, but are not limited to, the following:

- a. actual or potential exposure to hazardous substances by nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants;

This factor is present at the Facility due to the existence of elevated levels of organic compounds, including benzene, in the tar. Until September 28, 1990, access was unrestricted. Migratory water fowl, including blue herons, have died as a result of becoming trapped in the tar. Despite the existence of a fence at the site, other forms of wildlife may use the pond as a drinking water source. Vegetation surrounding the pit has been stressed.

b. actual or potential contamination of drinking water supplies or sensitive ecosystems;

This potential for contamination is present at the Facility due to the existence of groundwater at approximately three and one half feet beneath the surface of the pit. The suspected depth of the pit is at least three feet. Groundwater flow is toward Lake Michigan, a drinking water source. Organics contained in the pit may leach into the groundwater and subsequently migrate into Lake Michigan.

c. weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released;

This factor is present at the Facility due to the potential existence of excessive heat in the summer which has caused the tar to migrate to the soil surface. This migration combined with excessive heat create the potential for the release of volatile organic contaminants into the air.

d. threat of fire or explosion;

This factor is present at the Facility due to the existence of the low flashpoint of 72 degrees Fahrenheit tar on the site. A Waukegan Fire Department report indicates that the pit caught fire in July of 1988. The report describes a great volume of black smoke emanating from the fire. IEPA, responded to the fire and collected tar samples which had a flash point of 60 degrees Fahrenheit.

ORDER

Based upon the foregoing Findings and Determinations, and pursuant to Section 106(a) of CERCLA, 42 U.S.C. Section 9606(a), it is hereby Ordered that Respondents undertake the following actions at the Facility:

1. On or before September 12, 1991, the Respondents shall submit to U.S. EPA for approval, a Work Plan (WP1) for the removal activities ordered as set forth in Paragraph 4 below. WP1 shall provide a concise description of the activities to be conducted to comply with the requirements of this Order as well as a schedule for implementation. WP1 shall also describe alternatives for storing the free tar on site until disposal. WP1 shall be reviewed by U.S. EPA, which may approve, disapprove, require revisions, or modify WP1 including the requirement for storage of free tar on the site. Respondents shall implement WP1 as finally approved by U.S. EPA.

Once approved, the Work Plan shall be deemed to be incorporated into and made a fully enforceable part of this Order. WP1 shall include a separate outline for the Extent of Contamination (EOC) Study including a schedule for submittal of the EOC Study Work Plan (WP2), and initiation and completion of the EOC Study as outlined in Paragraph 5 below.

2. WP1 and WP2 shall contain a site safety and health plan, a sampling and analysis plan, and a schedule of the work to be performed. The site safety and health plan shall be prepared in accordance with the Occupational Safety and Health Administration (OSHA) regulations applicable to Hazardous Waste Operations and Emergency Response, 29 CFR Part 1910. WP1 and WP2 and other submitted documents shall demonstrate that the Respondent can properly conduct the actions required by this Order.

3. Respondents shall retain a contractor qualified to undertake and complete the requirements of this Order, and shall notify U.S. EPA of the name of such contractor within five (5) business days of the effective date of this Order. U.S. EPA retains the right to disapprove of any, or all, of the contractors and/or subcontractors retained by the Respondents. In the event U.S. EPA disapproves of a selected contractor, Respondents shall retain a different contractor to perform the work, and such selection shall be made within two (2) business days following U.S. EPA's disapproval.

4. Within seven (7) calendar days after U.S. EPA approval of WP1 as discussed in Paragraph 1,, Respondents shall implement the Work Plan as approved or modified by U.S. EPA. Failure of the Respondents to properly implement all aspects of WP1 shall be deemed to be a violation of the terms of this Order. WP1 shall require the Respondents to perform, and complete within ninety (90) calendar days after approval, at a minimum, the following removal activity:

- Remove all visible free tar. Within three (3) business days of the completion of the removal of the visible free tar, the OSC or her designated alternate will inspect the site and determine compliance with the requirement.

5. Respondents shall also conduct an extent of contamination study in accordance with the schedule in the U.S. EPA approved Work Plans. The Respondents shall accurately determine the extent of contamination of the tar, as defined in paragraph 5 of the determinations section, from the tar pit to the surrounding property, including soil and groundwater media.

6. All materials containing hazardous substances, pollutants or contaminants removed pursuant to this Order shall be disposed of or treated at a facility approved by the On-Scene Coordinator and in accordance with the Resource Conservation and Recovery Act of 1976 (RCRA), 42 U.S.C. Section 6901, et seq., as amended, the U.S. EPA Revised Off-Site Policy, and all other applicable Federal, State, and local requirements.

7. On or before the effective date of this Order, the Respondents shall designate a Project Coordinator. To the greatest extent possible, the Project Coordinator shall be present on site or readily available during site work. The U.S. EPA has designated Cindy Nolan of the Emergency and Enforcement Response Branch, Response Section II, as its On-Scene Coordinator. The On-Scene Coordinator and the Project Coordinator shall be responsible for overseeing the implementation of this Order. To the maximum extent possible, communication between the Respondents and the U.S. EPA, and all documents, reports and approvals, and all other correspondence concerning the activities relevant to this Order, shall be directed through the On-Scene Coordinator and the Project Coordinator.

8. The U.S. EPA and the Respondents shall each have the right to change their respective designated On-Scene Coordinator or Project Coordinator. U.S. EPA shall notify the Respondents, and Respondents shall notify U.S. EPA, as early as possible before such a change is made, but in no case less than 24 hours before such a change. Notification may initially be verbal, but shall promptly be reduced to writing.

9. The U.S. EPA On-Scene Coordinator shall have the authority vested in an On-Scene Coordinator by the NCP, 40 CFR Part 300, as amended, including the authority to halt, conduct, or direct any work required by this Order, or to direct any other response action undertaken by U.S. EPA or the Respondents at the facility.

10. No extensions to the above time frames shall be granted without sufficient cause. All extensions must be requested, in writing, and shall not be deemed accepted unless approved, in writing, by U.S. EPA.

11. This Order and all instructions by the U.S. EPA On-Scene Coordinator or her designated alternate that are consistent with the National Contingency Plan and this Order shall be binding upon the Respondents.

12. To the extent that the Facility or other areas where work under this Order is to be performed is owned by, or in possession of someone other than the Respondents, Respondents shall obtain all necessary access agreements. In the event that Respondents are unable to obtain such agreements, Respondents shall immediately notify U.S. EPA. U.S. EPA may then assist Respondents in gaining access, to the extent necessary to effectuate the response activities described herein, using such means as it deems appropriate.

13. Respondents shall provide access to the Facility to U.S. EPA employees, contractors, agents, and consultants at reasonable times, and shall permit such persons to be present and move freely in the area in order to conduct inspections, including taking photographs and videotapes of the Facility, to do cleanup/stabilization work, to take samples to monitor the work under this Order, and to conduct other activities which the U.S. EPA determines to be necessary.

14. Nothing contained herein shall be construed to prevent U.S. EPA from seeking legal or equitable relief to enforce the terms of this Order, or from taking other legal or equitable action as it deems appropriate and necessary, or from requiring the Respondents in the future to perform additional activities pursuant to CERCLA, 42 U.S.C. Section 9601 et seq., or any other applicable law.

15. This Order shall be effective seven (7) calendar days following issuance.

16. On or before seven (7) calendar days of the effective date of this Order, Respondents shall provide notice, verbally or in writing, to U.S. EPA stating their intention to comply with the terms of this Order. Verbal notification must be followed in writing within three (3) business days. In the event any Respondents fail to provide such notice, those Respondents shall be deemed not to have complied with the terms of this Order.

17. Copies of all records and files relating to hazardous substances found on the site shall be retained for six years following completion of the activities required by this Order and shall be made available to the U.S. EPA prior to the termination of the removal activities under this Order.

18. Respondents shall provide a written bi-weekly progress memorandum to the On-Scene Coordinator regarding the actions and activities undertaken under this Order. At a minimum, these progress memorandum shall describe the actions that have been taken to comply with this Order, including all results of sampling and tests received or prepared by the Respondents and shall describe all significant work items planned for the next month.

19. The Respondents shall submit a final report summarizing the actions taken to comply with this Order. The report shall contain, at a minimum: identification of the facility, a description of the locations and types of hazardous substances encountered at the facility upon the initiation of work performed under this Order, a chronology and description of the actions performed (including both the organization and implementation of response activities), a listing of the resources committed to perform the work under this Order (including financial, personnel, mechanical and technological resources), identification of all items that affected the actions performed under the Order and discussion of how all problems were resolved, a listing of quantities and types of materials removed, a discussion of removal and disposal options considered for those materials, a listing of the ultimate destination of those materials, and a presentation of the analytical results of all sampling and analyses performed and accompanying appendices containing all relevant paperwork accrued during the action (e.g., manifests, invoices, bills, contracts, permits). The final report shall also include an affidavit from a person who supervised or directed the preparation of that report. The affidavit shall certify under penalty of law that based on personal knowledge and appropriate inquiries of all other persons involved in preparation of the report, the information submitted is true, accurate and complete to the best of the affiant's knowledge and belief. The report shall be submitted within thirty (30) calendar days of completion of the work required by the U.S. EPA.

20. All notices, reports, memorandums and requests for extensions submitted under terms of this Order shall be sent by certified mail, return receipt requested, and addressed to the following:

one copy	Cindy Nolan
	On-Scene Coordinator
	U.S. EPA (5HS-12)
	230 South Dearborn Street
	Chicago, Illinois 60604

one copy Sean Mulroney
Assistant Regional Counsel
U.S. EPA (5CS-TUB-3)
230 South Dearborn Street
Chicago, Illinois 60604

21. If any provision of this Order is deemed invalid or unenforceable, the balance of this Order shall remain in full force and effect.

ACCESS TO ADMINISTRATIVE RECORD

The Administrative Record supporting the above Determinations and Findings is available for review on normal business days between the hours of 9:00 a.m. and 5:00 p.m. in the Office of Regional Counsel, United States Environmental Protection Agency, Region V, 111 W. Jackson Blvd., Third Floor, Chicago, Illinois. Please contact Sean Mulroney, Assistant Regional Counsel, at (312) 886-7150 to review the Administrative Record. An index of the Administrative Record is attached hereto.

OPPORTUNITY TO CONFER

With respect to the actions required above, Respondents may within five (5) business days after issuance of this Order, request a conference with the U.S. EPA. Any such conference shall be held within fourteen (14) calendar days from the date of request unless extended by mutual agreement of the parties. At any conference held pursuant to the request, Respondents may appear in person, or be represented by an attorney or other representative. If any Respondent desires such a conference, the Respondent shall contact Sean Mulroney, Assistant Regional Counsel, at (312) 886-7150. If such a conference is held, Respondents may present any evidence, arguments or comments regarding this Order, its applicability, any factual determinations upon which the Order is based, the appropriateness of any action which Respondents are ordered to take, or any other relevant and material issue. Any such evidence, arguments or comments should be reduced to writing and submitted to U.S. EPA within seven (7) calendar days following the conference. If no conference is requested, any such evidence, arguments or comments must be submitted in writing within seven (7) calendar days following the receipt of this Order. Any such writing should be directed to Sean Mulroney, Assistant Regional Counsel, at the address cited above.

Respondents are hereby placed on notice that U.S. EPA will take any action which may be necessary in the opinion of U.S. EPA for the protection of public health and welfare and the environment, and Respondents may be liable under Section 107(a) of CERCLA, 42 U.S.C. Section 9607(a), for the costs of those government actions.

PENALTIES FOR NONCOMPLIANCE

Respondents are advised pursuant to Section 106(b) of CERCLA, 42 U.S.C. Section 9606(b), that willful violation or subsequent failure or refusal to comply with this Order, or any portion thereof, may subject the Respondents to a civil penalty of no more than \$25,000 per day for each day in which such violation occurs, or such failure to comply continues. Failure to comply with this Order, or any portion thereof, without sufficient cause may also subject the Respondents to liability for punitive damages in an amount three times the amount of any cost incurred by the government as a result of the failure of Respondents to take proper action, pursuant to Section 107(c)(3) of CERCLA, 42 U.S.C. Section 9607(c)(3).

By: David A. Ullrich
David A. Ullrich, Director
Waste Management Division
United States Environmental
Protection Agency
Region V

September 4, 1991

RECIPIENTS OF 106 UNILATERAL ORDER

North Shore Sanitary District
c/o Murray Conzelman
P.O. Box 750
Gurnee, Illinois 60031

North Shore Sanitary District
c/o Melissa Wynne
Gardner, Carton & Douglas
Quaker Tower
Suite 3400
321 North Clark Street
Chicago, Illinois 60610-4795

North Shore Gas Company
c/o Bell Boyd & Lloyd
Attn: Russ Selman
3 First National Plaza
Suite 2900
Chicago, Illinois 60602

Elgin, Joliet and Eastern Railway Company
c/o Alice C. Saylor, General Attorney
P.O. Box 68
135 Jamison Lane
Monroeville, Pennsylvania 15146

Elgin Joliet and Eastern Railway Company
c/o Andrew Stewart Armstrong
Director Real Estate and Industrial Development
P.O. Box 880
Joliet, Illinois 60434

ADMINISTRATIVE RECORD
FOR
WAUKEGAN TAR PITS

Waukegan, Il.

October 12, 1990

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WAUKEGAN TAR PIT
WAUKEGAN, ILLINOIS

<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>
10/19/91	PRC Environmental Management, Inc.	Carol Graszer	Title Search for Waukegan Tar Pits



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

MAR 11 1991

REPLY TO ATTENTION OF: 5HS-12

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Re: Waukegan Tar Pit Site

Dear Sir or Madam:

Enclosed please find an executed copy of the Administrative Order by Consent issued for this site pursuant to Section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. Sections 9601 et seq. Thank you for your cooperation in this matter.

If you have any questions regarding this Order, please contact Sean Mulroney, Assistant Regional Counsel, at (312) 886-7150 or Maureen O'Mara, On-Scene Coordinator, at (312) 886-1960.

Sincerely yours,

A handwritten signature in cursive script that reads "David A. Ullrich".

David A. Ullrich, ~~Acting~~ Director
Waste Management Division

Enclosure

cc: William Child, Illinois Environmental Protection Agency
Sean Mulroney, ORC Attorney

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V**

IN THE MATTER OF:

WAUKEGAN TAR PIT SITE

Respondents:

NORTH SHORE GAS COMPANY

ELGIN, JOLIET & EASTERN RAILWAY CO)

NORTH SHORE SANITARY DISTRICT)

) Docket No. **V-W. '91 -C- 093.**

) ADMINISTRATIVE ORDER BY

) CONSENT PURSUANT TO

) SECTION 106 OF THE

) COMPREHENSIVE

) ENVIRONMENTAL RESPONSE,

) COMPENSATION, AND

) LIABILITY ACT OF 1980

) as amended, 42 U.S.C.

) Section 9606(a)

PREAMBLE

The United States Environmental Protection Agency (U.S. EPA) and the Respondents have each agreed to the making and entry of this Order by Consent.

It is issued pursuant to the authority vested in the President of the United States by Sections 106(a) and 122 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. Section 9606(a), as amended by the Superfund Amendments and Reauthorization Act of 1986 Pub. L. 99-499 (CERCLA), and delegated to the Administrator of the U.S. EPA by Executive Order No. 12580, January 23, 1987, 52 Federal Register 2923, and further delegated to the Assistant Administrator for Solid Waste and Emergency Response and the Regional Administrators by U.S. EPA Delegation Nos. 14-14, 14-14-C and 14-14-D, and to the Director, Waste Management Division, Region V, by Regional Delegation Nos. 14-14-A, 14-14-C and 14-14-D.

A copy of this Order will also be provided to the State of Illinois, which has been notified of the issuance of this Order as required by Section 106(a) of CERCLA, 42 U.S.C. Section 9606(a). This Order requires the Respondents to undertake and complete an extent of contamination study and identify a removal method protective of human health and the environment.

FINDINGS

Based on available information, including the Administrative Record in this matter, U.S. EPA hereby finds:

1. The Waukegan Tar Pit Site (Site) is located in the northeast quadrant of a vacant lot bounded on the north by Dahringer Road, on the west by Pershing Road, on the east by the Elgin, Joliet & Eastern Railway Company (EJ&E) line, and on the south by a parcel of land owned by the City of Waukegan. The Site is situated in an industrial area and is now bounded on all sides by a fence.
2. Currently, a portion of the Site is owned by the North Shore Sanitary District (NSSD) and a portion is owned by EJ&E. Previously, the property was divided into two parcels, the eastern parcel was owned by EJ&E and the western parcel was owned by North Shore Gas Company (NSG). NSG operated a coal gasification plant on the western portion of the Site. The plant has since been demolished.
3. In July of 1988, the local fire department and the Illinois Environmental Protection Agency (IEPA) responded to a fire on a pit located in the northeastern portion of the property described above. Samples of the tar collected by the IEPA indicated the presence of volatile organic compounds with a flash point of 60 degrees Fahrenheit. Based on the Illinois Emergency Services Disaster Agency (ESDA) report dated July 13, 1988 the IEPA determined that, at that time there were no public safety concerns at the tar pit.
4. In 1990, the U.S. EPA received reports from private citizens that migrating waterfowl and other wildlife were becoming trapped and dying in the tar. The U.S. Fish and Wildlife Service was also investigating these reports.
5. A site assessment was performed by the U.S. EPA and Technical Assistance Team (TAT) in September 1990. A pond approximately 125 feet long by 60 feet wide was observed in the northeastern portion of the site. The pond consisted of 4 to 6 inches of water overlying a pit of tar of unknown depth. The U.S. EPA and TAT observed stressed vegetation and tar oozing to the soil surface beyond the visible boundaries of the pond. Samples collected from the tar and water indicate the presence of high levels of volatile organic compounds including benzene. A tar sample collected north of the pond had a flash point of 72 degrees Fahrenheit.
6. The potentially responsible parties (PRPs); NSSD, NSG, and EJ&E, were given verbal notification on September 19, 1990 by the U.S. EPA to restrict access to the Site including the tar pit by humans and wildlife and took prompt action on September 20, 1990 to install a fence to enclose the property and string flags across the pond to deter migrating blue heron and other waterfowl from landing. The fence was completed on September 28, 1990.

DETERMINATIONS

Based on the foregoing Findings, U.S. EPA has determined that:

1. Waukegan Tar Pit is a "facility" as defined by Section 101(9) of CERCLA, 42 U.S.C. Section 9601(9).
2. Each Respondent is a "person" as defined by Section 101(21) of CERCLA, 42 U.S.C. Section 9601(21).
3. Each Respondent arranged for disposal or transport for disposal of hazardous substances at the Waukegan Tar Pit Site, or is a past or present owner or operator of the facility. Each Respondent is therefore a liable person under Section 107(a) of CERCLA, 42 U.S.C. Section 9607(a).
4. Volatile organic compounds, including benzene, are "hazardous substances" as defined by Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14).
5. Low flash substances in the tar pit, the presence of hazardous substances including benzene, and the actual or threatened release to drinking water constitutes an actual or threatened "release" as that term is defined in Section 101(22) of CERCLA, 42 U.S.C. Section 9601(22).
6. The actual or threatened release of hazardous substances from the Facility may present an imminent and substantial endangerment to the public health, welfare, or the environment.
7. The actions required by this Order, if properly performed, are consistent with the National Contingency Plan (NCP), 40 CFR Part 300, as amended, and CERCLA; and are reasonable and necessary to protect the public health, welfare and the environment because of the following factors:

- a. actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances, pollutants or contaminants;

This factor is present at the Facility due to the existence of elevated levels of organic compounds, including benzene, in the tar. Until recently, access was unrestricted. Migratory water fowl, including blue herons, have died as a result of becoming trapped in the tar. Other forms of wildlife may use the pond as a drinking water source. Vegetation surrounding the pit has been stressed.

b. actual or potential contamination of drinking water supplies or sensitive ecosystems;

This potential for contamination is present at the Facility due to the existence of groundwater at approximately three and one half feet beneath the surface of the pit. The suspected depth of the pit is at least three feet. Groundwater flow is toward Lake Michigan, a drinking water source. Organics contained in the pit may leach into the groundwater and subsequently migrate into Lake Michigan.

c. weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released;

This factor is present at the Facility due to the potential existence of excessive heat in the summer which has caused the tar to migrate to the soil surface. This migration combined with excessive heat create the potential for the release of volatile organic contaminants into the air.

d. threat of fire or explosion;

This factor is present at the Facility due to the existence of the low flashpoint of 72 degrees Fahrenheit tar in the pit. A Waukegan Fire Department report indicates that the pit caught fire in July of 1988. The report describes a great volume of black smoke emanating from the fire. IEPA, responded to the fire and collected tar samples which had a flash point of 60 degrees Fahrenheit.

ORDER

Based upon the foregoing Findings and Determinations by the U.S. EPA, and pursuant to Section 106(a) of CERCLA, 42 U.S.C. Section 9606(a), it is hereby ordered and agreed that Respondents will undertake the following actions at the Facility:

1. Within seven (7) calendar days after the effective date of this Order, the Respondents shall submit to U.S. EPA for approval, a Work Plan for the extent of contamination study. ordered as set forth in Paragraph 4 below. The Work Plan shall provide a concise description of the activities to be conducted to comply with the requirements of this Order. The Work Plan shall be reviewed by U.S. EPA, which may approve, disapprove, require revisions, or modify the Work Plan. Any modification or disapproval by U.S. EPA shall be in writing. Respondents shall implement the Work Plan as finally approved by U.S. EPA, including any modifications. Once approved, the Work Plan shall be deemed to be incorporated into and made a fully enforceable part of this Order.

2. The Work Plan shall contain a site safety and health plan, a sampling and analysis plan, and a schedule of the work to be performed with regard to the pit located at the Site. The site safety and health plan shall be prepared in accordance with the Occupational Safety and Health Administration (OSHA) regulations applicable to Hazardous Waste Operations and Emergency Response, 29 CFR Part 1910. The Work Plan and other submitted documents shall demonstrate that the Respondents can properly conduct the actions required by this Order.

3. Respondents shall retain a contractor qualified to undertake and complete the requirements of this Order, and shall notify U.S. EPA of the name of such contractor on the effective date of this Order. U.S. EPA retains the right to disapprove of any, or all, of the contractors and/or subcontractors retained by the Respondents. Such disapproval shall be explained in writing. In the event U.S. EPA disapproves of a selected contractor, Respondents shall retain a different contractor to perform the work, and such selection shall be made within seven (7) business days following U.S. EPA's disapproval.

4. Within seven (7) calendar days after receipt of U.S. EPA approval of the Work Plan, Respondents shall implement the Work Plan as approved or modified by U.S. EPA. Failure of the Respondents to properly implement all aspects of the Work Plan shall be deemed to be a violation of the terms of this Order. The Work Plan shall require the Respondents to perform, and complete, the following removal activities:

- a. Within thirty (30) calendar days, conduct an extent of contamination study including sampling and analysis to define the vertical and lateral extent of hazardous substances in the pit.
- b. Submit a report to U.S. EPA within fourteen (14) calendar days of completion of the extent of contamination study. The report shall summarize the study and identify the removal method for the pit which must be protective of human health and the environment.
- c. The report shall also include an affidavit from a person who supervised or directed the preparation of that report. The affidavit shall certify under penalty of law that based on personal knowledge and appropriate inquiries of all other persons involved in preparation of the report, the information submitted is true, accurate and complete to the best of the affiant's knowledge and belief.

5. On or before the effective date of this Order, the Respondents shall designate a Project Coordinator. The U.S. EPA has designated Maureen O'Mara, of the Emergency and Enforcement Response Branch, Response Section II, as its On-Scene Coordinator.

The On-Scene Coordinator and the Project Coordinator shall be responsible for overseeing the implementation of this Order. To the maximum extent possible, communication between the Respondents and the U.S. EPA, and all documents, reports and approvals, and all other correspondence concerning the activities relevant to this Order, shall be directed through the On-Scene Coordinator and the Project Coordinator. During implementation of the Work Plan, the OSC and the Project Coordinator shall, whenever possible, operate by consensus, and shall attempt in good faith to resolve disputes informally through discussion of the issues.

6. The U.S. EPA and the Respondents shall each have the right to change their respective designated On-Scene Coordinator or Project Coordinator. U.S. EPA shall notify the Respondents, and Respondents shall notify U.S. EPA, as early as possible before such a change is made. Notification may initially be verbal, but shall promptly be reduced to writing.

7. The U.S. EPA On-Scene Coordinator shall have the authority vested in an On-Scene Coordinator by the NCP, 40 CFR Part 300, as amended, including the authority to halt, conduct, or direct any work required by this Order.

8. Extensions to the time frames may be granted at the discretion of the OSC based upon the Respondents showing of sufficient cause. All extensions must be requested, in writing, and shall not be deemed accepted unless approved, in writing, by U.S. EPA. Should the OSC halt work, Respondents may request a time extension of the schedule outlined in paragraph four.

9. This Order and all instructions by the U.S. EPA On-Scene Coordinator or designated alternate not inconsistent with the National Contingency Plan and this Order shall be binding upon the Respondents, and the employees, agents, contractors, successors, and assigns of the Respondents. Respondents are jointly and severally responsible for carrying out all actions required by this Consent Order.

10. To the extent that the Facility or other areas where work under this Order is to be performed is owned by, or in possession of, someone other than the Respondents, Respondents shall attempt to obtain all necessary access agreements. In the event that after using their best efforts Respondents are unable to obtain such agreements, Respondents shall immediately notify U.S. EPA and U.S. EPA may then assist Respondents in gaining access, to the extent necessary to effectuate the response activities described herein, using such means as it deems appropriate. Respondents shall reimburse U.S. EPA for all attorneys' fees and court costs it incurs in assisting Respondents to obtain access.

11. Respondents shall allow access to the Facility to U.S. EPA employees, and U.S. EPA-authorized contractors, agents, and consultants at anytime, and shall allow such persons to be present and move freely in the area in order to conduct inspections, including taking photographs and videotapes of the Facility, to do cleanup/stabilization work, to take samples, to monitor the work under this Order, and to conduct other activities which the U.S. EPA determines to be necessary to carry out the requirements of this Order. All U.S. EPA authorized personnel with access to the site shall have completed the 40 hour safety training course in accordance with OSHA.

12. The provisions of this Order and the directions of the On-Scene Coordinator hereunder shall be binding on the employees, agents, contractors, successors, and assigns of the Respondents. Respondents are jointly and severally responsible for carrying out all actions required by this Consent Order.

13. Respondents shall provide written weekly progress reports to the On-Scene Coordinator regarding the actions and activities undertaken under this Order. At a minimum, these progress reports shall describe the actions that have been taken to comply with this Order, including all results of sampling and tests received or prepared by the Respondents and shall describe all significant work items planned for the next week.

14. Respondents agree to retain for six years following completion of the activities required by this Order copies of all nonprivileged records, files and data relating to hazardous substances found on the Site, or nonprivileged records, files and data related to the activities undertaken pursuant to this Order, whether or not those documents were created pursuant to this Order. Respondents shall acquire and direct to be retained copies of all documents relating to the site that are in the possession of their contractors, agents and employees. Respondents are responsible for ensuring that the documents are retained for the six year period. Respondents shall notify U.S. EPA at least sixty (60) days before any documents retained under this paragraph are to be destroyed. The documents retained under this paragraph shall be made available to the U.S. EPA upon request.

15. Respondents shall pay all past costs related to the Waukegan Tar Pit site and oversight costs of the United States which are not inconsistent with the National Contingency Plan. The United States shall submit an itemized cost statement entitled "Annotated SPUR Report" to Respondents annually or, if sooner, not less than 60 days after submission of the Final Report provided for in Paragraph four of this Order. Payments shall be made within 60 days of Respondents' receipt of the cost statement. Payments shall be made to the EPA Hazardous Substances Superfund delivered to the U.S. EPA, Attn: Superfund Accounting, P.O. Box 70753, Chicago, Illinois 60673, in the form of a certified or cashier's check payable to "EPA Hazardous Substances Superfund."

The face of the check should note that the payment is for the Waukegan Tar Pit site, Superfund Site Identification Number KT. If payment is not received by U.S. EPA within sixty (60) days, the interest shall begin to accrue on the unpaid balance from the date of billing. Respondents are jointly and severally liable for payment of the full amount due under this Order. A copy of the checks submitted must be sent simultaneously to the U.S. EPA representatives indicated in paragraph 16 below.

16. A notice, document, information, report, plan, approval, disapproval or other correspondence required to be submitted from one party to another under the Order shall be deemed submitted either when hand delivered or as of the date of receipt by certified mail, return receipt requested.

Submissions to the Respondents shall be submitted to:

North Shore Sanitary District
c/o Murray Conzelman
P.O. Box 750
Gurnee, Illinois 60031

North Shore Sanitary District
c/o Susan M. Franzetti
Gardner, Carton & Douglas
Quaker Tower
Suite 3400
321 North Clark Street
Chicago, Illinois 60610-4795

North Shore Gas Company
c/o Bell, Boyd & Lloyd
Attn: Russell Selman
3 First National Plaza
Suite 2600
Chicago, Illinois 60602

Elgin, Joliet & Eastern Railway Company
c/o Rooks, Pitts & Poust
Attn: Jerry Karr
55 West Monroe
Suite 1500
Chicago, Illinois 60603

Submissions to the U.S. EPA shall be submitted to:

one copy:

Sean Mulroney 5CS-TUB 3
Assistant Regional Counsel
U.S. EPA Region V TUB-03
230 South Dearborn
Chicago, Illinois 60604

one copy:

Maureen O'Mara 5HS-12
On-Scene Coordinator
U.S. EPA Region V
230 South Dearborn
Chicago, Illinois 60604

17. If any provision of this Order is deemed invalid or unenforceable, the remainder of this Order shall remain in full force and effect.

STIPULATED PENALTIES

18. Subject to the provisions of this Consent Order, for each day the Respondents fail to meet the deadlines set forth in the Consent Order and workplan, Respondents shall be liable as follows:

Stipulated penalties shall accrue in the amount of \$500 per day for the first week or part thereof, and \$1000 per day for each week or part thereof for subsequent weeks.

19. All penalties which accrue pursuant to the requirements of this Order shall be paid and received by U.S. EPA within thirty (30) calendar days of written demand by U.S. EPA. Payment shall be made to the EPA Hazardous Substances Superfund delivered to the U.S. EPA, Attn: Superfund Accounting, P.O. Box 70753, Chicago, Illinois 60673, in the form of a certified or cashier's check payable to "EPA Hazardous Substances Superfund." The face of the check should note that the payment is for the Waukegan Tar Pit site.

20. Pursuant to 31 U.S.C. Section 3717, interest shall accrue on any amount of overdue stipulated penalties at a rate established by the United States Treasury. Stipulated penalties shall accrue, but need not be paid, during any dispute resolution period concerning the particular penalties at issue. If Respondents prevail upon resolution, Respondents shall pay only such penalties as the resolution requires.

21. Payment of Stipulated Penalties will not relieve Respondents from complying with the terms of this Consent Order. U.S. EPA retains the right to seek any remedies or sanctions available to U.S. EPA by reason of Respondent's noncompliance with the provisions of this Consent Order that are not otherwise expressly limited by these Stipulated Penalty provisions.

PENALTIES FOR NONCOMPLIANCE

22. Respondents are advised pursuant to Section 106(b) of CERCLA, 42 U.S.C. Section 9606(b), that violation or subsequent failure or refusal to comply with this Order and any Work Plan approved under this Order, or any portion thereof, may subject the Respondents to a civil penalty of no more than \$25,000 per day for each day in which such violation occurs, or such failure to comply continues.

TERMINATION AND SATISFACTION

23. The provisions of this Order shall be deemed satisfied upon payment by Respondents of all sums due under the terms of this Order and upon the Respondent's receipt of written notice from U.S. EPA that the Respondents have demonstrated, to the satisfaction of U.S. EPA, that all of the terms of this Order, including any additional tasks consistent with this Consent Order which U.S. EPA has determined to be necessary, have been completed.

INDEMNIFICATION

24. The Respondents agree to indemnify and save and hold harmless the United States Government, its agencies, department, agents, and employees, from any and all claims or causes of action arising from, or on account of, acts or omissions of the Respondents, its officers, employees, receivers, trustees, agents, successors or assigns, in carrying out the activities pursuant to this Order. The United States Government shall not be held as a party to any contract entered into by the Respondents in carrying out activities under this Order.

RESERVATION OF RIGHTS

25. This Order is not intended for the benefit of any third party and may not be enforced by any third party.

26. The U.S. EPA and the Respondents reserve all rights, claims, demands, and defenses, including defenses and denials of and to all determinations and findings, that they may have as to each other. Nothing in this Order shall expand or restrict the Respondents' ability, if any, to obtain preenforcement review of U.S. EPA actions. Notwithstanding any reservation of rights, Respondents agree to comply with the terms and conditions of this Order and consents to the jurisdiction of the U.S. EPA to enter into and enforce the terms of this Order.

27. Nothing herein is intended to release, discharge, limit or in any way affect any claim, causes of action or demands in law or equity which the parties may have against any persons, firm, trust, joint venture, partnership, corporation, or other entity not a party to this Order for any liability it may have arising out of, or relating in any way to, the generation, storage, treatment, handling, transportation, disposal, release or threat of release of any hazardous substance, hazardous waste, contaminant or pollutant at or from the site. The parties to this Order hereby expressly reserve all rights, claims, demands and causes of action they may have against any and all other persons and entities who are not parties to this Order.

28. Nothing herein shall be construed: 1) to prevent U.S. EPA from exercising its right to disapprove of work performed by the Respondents as inconsistent with the NCP; 2) to prevent U.S. EPA from seeking legal or equitable relief to enforce the terms of this order; 3) to prevent U.S. EPA from taking other legal or equitable action not inconsistent with the Covenant Not To Sue in paragraphs 39 through 41 of this Order; 4) to prevent U.S. EPA from requiring the Respondent(s) in the future to perform additional activities pursuant to CERCLA, 42 U.S.C. Section 9601 et seq., or any other applicable law; or 5) to prevent U.S. EPA from undertaking response actions at the site.

FORCE MAJEURE

29. The Respondents shall cause all work to be performed within the time limits set forth herein and in the approved Work Plan, unless performance is delayed by "force majeure". For purposes of this Order, "force majeure" shall mean an event arising from causes beyond the control of the Respondents and their contractors which delays or prevents the performance of any obligation required by this Order. Increases in costs, financial difficulty, normal inclement weather, and delays encountered by the Respondents in securing any required permits or approvals are examples of events that are not considered to be beyond the control of the Respondents.

30. Respondents shall notify the OSC within 24 hours after Respondents become aware of any event which Respondents contend constitutes a force majeure, with subsequent written notice within seven (7) calendar days of the event. Such written notice shall describe: 1) the nature of the delay, 2) the cause of the delay, 3) the expected duration of the delay, including any demobilization and remobilization resulting from the delay, 4) the actions which will be taken to prevent or mitigate further delay, and 5) the timetable by which the actions to mitigate the delay will be taken. Respondents shall implement all reasonable measures to avoid and/or minimize such delays. Failure to comply with the notice provision of this paragraph shall be grounds for U.S. EPA to deny Respondents an extension of time for performance. The Respondents shall have the burden of demonstrating by a preponderance of the evidence that the event is a force majeure, and that best efforts were exercised to avoid and mitigate the effects of the delay. If U.S. EPA determines a delay is or was attributable to a force majeure, the time period for performance under this Order shall be extended as deemed necessary by the OSC to allow performance.

DISPUTE RESOLUTION

31. The Parties to this Order on Consent shall attempt to resolve expeditiously and informally any disagreements concerning implementation of this Order on Consent or any Work required hereunder.

32. In the event that any dispute arising under this Order on Consent is not resolved expeditiously through informal means, any party desiring dispute resolution under this Section shall give prompt written notice to the other parties to the Order.

33. Within five (5) days of the service of notice of dispute pursuant to Paragraph 32 above, the party who gave notice shall serve on the other parties to this Order a written statement of the issues in dispute, the relevant facts upon which the dispute is based, and factual data, analysis or opinion supporting its position, and all supporting documentation on which such party relies (hereinafter the "Statement of Position"). The opposing parties shall serve their Statement of Position, including supporting documentation, no later than ten (10) days after receipt of the complaining party's statement of Position. In the event that these time periods for exchange of Statements of Position may cause a delay in the work, they shall be shortened upon and in accordance with notice by U.S. EPA.

34. An administrative record of any dispute under this Section shall be maintained by U.S. EPA. The record shall include the written notification of such dispute, and the Statements of Position and documents referenced therein served pursuant to the preceding paragraphs.

35. Upon review of the administrative record, the Director of the Waste Management Division, U.S. EPA, Region V, shall resolve the dispute consistent with the NCP and the terms of this Order. Such resolutions shall be included in the Administrative Record.

NON-ADMISSION

36. The consent of the Respondents to the terms of this Order shall not constitute or be construed as an admission of liability or of U.S. EPA's findings or determinations contained in this Order in any proceeding.

CERCLA FUNDING

37. The Respondents waive any claims or demands for compensation or payment under Sections 106(b), 111 and 112 of CERCLA against the United States or the Hazardous Substance Response Trust Fund established by Section 221 of CERCLA for, or arising out of, any activity performed or expenses incurred pursuant to this Consent Order.

38. This Consent Order does not constitute any decision on preauthorization of funds under Section 111(a)(2) of CERCLA.

COVENANT NOT TO SUE

39. Upon termination and satisfaction of this Administrative Order pursuant to its terms, for and in consideration of the complete and timely performance by Respondents of the obligations agreed to in this Order, U.S. EPA hereby covenants not to sue Respondents for judicial imposition of damages or civil penalties for any failure to perform obligations agreed to in this Order.

40. Performance of the terms of this Order resolves and satisfies the liability of the Respondents to U.S. EPA for work satisfactorily performed as covered under this Order. U.S. EPA recognizes that, pursuant to Section 113 of CERCLA, the Respondents, upon having resolved their liability with the U.S. EPA for the matters addressed by this Order, shall not be liable for claims for contribution regarding matters addressed in this Order. Nothing in this Order precludes the Respondents from asserting any claims, causes of action or demands against potentially responsible parties (PRPs).

41. In consideration of the actions to be performed by the Respondents under this Order, the U.S. EPA covenants not to sue the Respondents, their successors or assigns for any and all claims which are available to the U.S. as against the Respondents under Sections 106 and 107 of CERCLA concerning all matters satisfactorily performed.

SUBSEQUENT AMENDMENT

42. This Consent Order may be amended by mutual agreement of U.S. EPA and the Respondents. Any amendment of this Consent Order shall be in writing, signed by U.S. EPA and the Respondents and shall have as the effective date, that date on which such amendment is signed by U.S. EPA.

43. This Consent Order shall be effective on the date of signature by the Director, Waste Management Division. Respondents shall be notified upon the date of signature.

SIGNATORIES

Each undersigned representative of a signatory to this Administrative Order on Consent certifies that he or she is fully authorized to enter into the terms and conditions of this Order and to bind such signatory, its directors, officers, employees, agents, successors and assigns, to this document.

Agreed this 14th day of February, 1991.
NORTH SHORE GAS COMPANY

By PJ Doyle
Vice President

The above being agreed and consented to, it is so ORDERED
this 11th day of March, 1991.

By David A. Ullrich
David A. Ullrich, Director
Waste Management Division
U.S. Environmental Protection Agency
Region V, Complainant

SIGNATORIES

Each undersigned representative of a signatory to this Administrative Order on Consent certifies that he or she is fully authorized to enter into the terms and conditions of this Order and to bind such signatory, its directors, officers, employees, agents, successors and assigns, to this document.

Agreed this 14th day of February, 1991.

NORTH SHORE GAS COMPANY

By P. J. Dayle
Vice President

The above being agreed and consented to, it is so ORDERED
this 11th day of March, 1991.

By David A. Ullrich
David A. Ullrich, Director
Waste Management Division
U.S. Environmental Protection Agency
Region V, Complainant

SIGNATORIES

Each undersigned representative of a signatory to this Administrative Order on Consent certifies that he or she is fully authorized to enter into the terms and conditions of this Order and to bind such signatory, its directors, officers, employees, agents, successors and assigns, to this document.

Agreed this 15th day of February, 1991.

By AG Steins ^{SA}

The above being agreed and consented to, it is so ORDERED
this 11th day of March, 1991.

By David A. Ullrich
David A. Ullrich, Director
Waste Management Division
U.S. Environmental Protection Agency
Region V, Complainant

EJ + E

Agreed this 13TH day of FEBRUARY, 1991.

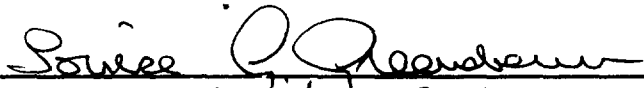
The above being agreed and consented to, it is so ORDERED
this 11th day of March, 1991.

By David A. Ullrich
David A. Ullrich, Director
Waste Management Division
U.S. Environmental Protection Agency
Region V, Complainant

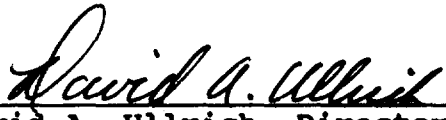
SIGNATORIES

Each undersigned representative of a signatory to this Administrative Order on Consent certifies that he or she is fully authorized to enter into the terms and conditions of this Order and to bind such signatory, its directors, officers, employees, agents, successors and assigns, to this document.

Agreed this 13TH day of FEBRUARY, 1991.

By 
PRESIDENT - NSSD

The above being agreed and consented to, it is so ORDERED
this 11th day of March, 1991.

By 
David A. Ullrich, Director
Waste Management Division
U.S. Environmental Protection Agency
Region V, Complainant